

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

JANE DOE, through her father JOHN DOE, :

Plaintiff, :

vs. :

KEVIN C. BOLLAERT, an individual; ERIC S. CHANSON, an individual; ROY E. CHANSON, an individual; AMY L. CHANSON, an individual; BLUE MIST MEDIA, LLC, a limited-liability company of unknown origin, d/b/a “YOU GOT POSTED”; and “JOHN DOE,” an individual, :

Defendants. :

Case No.: 2:13-cv-00486-GLF-MRA

Judge Gregory L. Frost

**PLAINTIFF’S OPPOSITION TO
DEFENDANTS ROY E. CHANSON AND
AMY L. CHANSON’S MOTION FOR
SANCTIONS PURSUANT TO RULE 11**

**Declaration of Marc J. Randazza in Support of Plaintiff’s Opposition to Defendants
Roy and Amy Chanson’s Motion for Sanctions**

I, MARC J. RANDAZZA, do hereby affirm under penalty of perjury:

1. I am over the age of eighteen years and am a resident of the State of Nevada. I have been barred in the State of Nevada since 2012. I am managing partner of Randazza Legal Group and counsel for Plaintiff Jane Doe in the above-referenced matter.

2. I have personal knowledge of the facts contained herein and, if called as a witness, could testify competently thereto.

3. I did not receive any draft copy of Defendants Roy E. and Amy L. Chanson’s Motion for Sanctions, or any version of their Rule 11 motion for sanctions, prior to receiving the motion’s notice of electronic filing on August 21, 2013.

4. The only notification I received that the Defendants might file a motion for sanctions was in the conclusion section of the Defendants' Motion to Dismiss Complaint Pursuant to 12(b)(2), which I received on July 29, 2013.

5. While Defendants mentioned that they would be filing a motion, I never received a separate copy describing the specific conduct that allegedly violated Fed. R. Civ. P. 11.

6. In Amy Chanson's latest declaration filed with the Court (ECF 21), she has attached a United States Postal Service document stating that a package she mailed to 6525 W. Warm Springs Road in Las Vegas was received and signed for by "Gergana Georgieva."

7. I do not know who Ms. Georgieva is. I know nobody by that name, anywhere. I have never met anyone with either her first or last names.

8. Obviously, Ms. Georgieva is not nor ever has been an employee nor an agent of Randazza Legal Group, or otherwise associated with the firm, or authorized to act on its behalf in any way.

9. Despite Ms. Georgieva apparently signing for this package – something I have no personal knowledge of – I have not seen a draft sanctions motion from Roy and Amy Chanson.

10. Prior to filing suit for Plaintiff, I reviewed the declaration of Ronald Green filed in another action and attached as Exhibit A.

11. Before filing suit, I reviewed the statements of James McGibney regarding the site's ownership, which were memorialized in a declaration in this action concerning

how Eric Chanson did not act to bind the YouGotPosted/UGotPosted website in resolving a civil dispute without consulting with his parents.

12. I spoke with Amy Chanson on one occasion regarding the site in September 2012, which her son admits in his reply brief (ECF 18). Accordingly, I not only had reason to trust McGibney and Green, but I could verify their their declarations.

13. Prior to filing suit, I also reviewed the YouGotPosted/UGotPosted websites, including the sections containing submissions of Ohio residents. The Plaintiff, a Ohio resident, also represented to me the emotional injuries she suffered as a result of her images being distributed on the YouGotPosted/UGotPosted website.

14. When discussing the YouGotPosted/UGotPosted site with Amy and Roy Chanson's Nevada counsel, Roy and Amy refused to speak directly about their role in the site. During a subsequent phone conversation, Roy Chanson denied¹ the contents of his and Amy's prior conversations with Ronald Green, which Mr. Green had sworn to under oath long before my conversation with Roy Chanson (Exhibit A).

15. Ultimately, I reasonably trusted the representations of my law partner, Mr. Green – an attorney of more than 10 years – and of James McGibney, a non-party in this action, over the unsworn statements of Defendants Roy and Amy Chanson in maintaining this action against them.

Dated September 10, 2013

/s/ Marc J. Randazza

Marc J. Randazza, Randazza Legal Group

¹ In weighing the credibility of the evidence before me in proceeding against Roy and Amy Chanson, Roy and Amy had not made sworn statements disavowing their connection with the site prior to their motions to dismiss in this action, while Mr. Green had previously been willing to swear to the contents of his conversations with Roy and Amy Chanson under oath.